

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:12CR185
	§	
GUSTAVO RODRIGUEZ-SALAZAR	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 29, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by G.R. Jackson.

On February 15, 2013, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of eight (8) months imprisonment followed by a three-year term of supervised release for the offense of reentry of removed alien. Defendant began his term of supervision on March 22, 2013.

On August 14, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 35). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Immediately upon release of confinement Defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established

procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.* If ordered deported, Defendant shall remain outside the United States. In the event Defendant is not deported, or for any reason re-enters the country after having been deported, Defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of release by immigration officials or re-entry to the country.

The Petition alleges that Defendant committed the following violations: (1) On June 19, 2013, the Department of Public Safety with Dallas ICE Fugitive Operations team, and the Denton County Narcotics Unit apprehended and administratively arrested Defendant for the offense of illegal reentry of a deported alien. Defendant was fingerprinted and interviewed by agents. Defendant is a citizen and national of Mexico who was removed to Mexico from Del Rio, Texas on March 22, 2013. A criminal complaint was filed in the U.S. District Court, Eastern District of Texas, under 4:13mj301, charging Defendant with violating 8 U.S.C. 1326(a), Deported Alien Found in the United States. Defendant is currently in the custody of the U.S. Marshals in Fannin County, Texas; and (2) Defendant failed to report to the U.S. Probation Office within 72 hours of re-entry to the country.

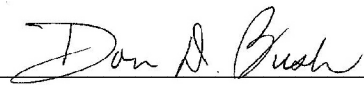
At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the April 29, 2014 hearing, the Court recommends that Defendant be committed to the

custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, consecutive to any other sentence being served, with no supervised release to follow.

**SIGNED this 30th day of April, 2014.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE